

**Fleming County Project Development Board
160 West Electric Avenue, Flemingsburg, KY 41041
Record of Meeting, June 2, 2009, 5:00 pm Eastern**

-AMENDED-

The meeting was called to order at 5:00 pm by Chairperson CJE Larry H. Foxworthy. Roll Call was completed as noted below:

Present: Larry H. Foxworthy, Judge Stockton B. Wood, Louie Flanery, Marvin Suit, David DeAtley, Pam Lowe

Absent: J. Scott Brown, Judge W. Todd Walton II,

Other Attendees: Sam Howard, Trace Creek Construction, Inc (TCCI)
Eric Chambers, Brandstetter Carroll Architects (BCA)
Vance Mitchell, Administrative Office of the Courts (AOC)
Keith Brock, Ross, Sinclair and Associates (RSA)

Old Business: A motion was made to approve the Fleming County Project Development Meeting minutes of May 5, 2009. Motion by Flanery. Seconded by Lowe. All in favor.

New Business: Discussion was held regarding submission of claims payable to Fleming County Fiscal Court and Trace Creek Construction Inc. which were approved at previous meeting. An estimate from Adams' Refrigeration to install a new AC unit in the Dudley House was reviewed. Mitchell stated it was AOC's understanding that the project would support the costs of up keeping the Dudley House until the project completion with the approval of the board and all lease payments for the Dudley House will be considered project revenue and placed back into the project's account. MacDonald, Walton and Razor PLLC currently lease the Dudley House and will pay for their own utilities. Vance Mitchell will confirm process of handling the lease payments and notify the parties involved.

A motion was made to authorize Chairperson Foxworthy to process the handling of lease payments for the Dudley House and authorize him to sign any and all documents pertaining to said lease under the direct advisement of AOC. Motion by Wood. Seconded by Suit. All in favor.

A motion was made to accept the estimate from Adam's Refrigeration and procure the work to install the AC unit in the Dudley House. Motion by Suit. Seconded by Wood. All in favor.

Eric Chambers, Brandstetter Carroll Architects, discussed the current status of Phase B design currently under AOC review. Preliminary drawings and specifications should be submitted to TCCI next week and AOC should receive final draft by the end of June. Chambers requested consideration to hold a review session with board members to look at the new center's interior finishes and color schemes in the next two weeks. Mitchell suggested for board members to inform the architects of personal preferences and what not to use as colors and finishes first to move the process along. Chambers stated the review session could be held on the same day as the demolition bid opening which is scheduled for June 16, 2009.

Sam Howard, TCCI, scheduled the pre-bid meeting regarding the demolition bid package will be held on Wednesday, June 3, 2009 at 10:00 at the project site. Any contractor who wishes to have access to the properties after the pre-bid meeting should contact TCCI. Demolition bids are due at the Office of the County Judge/Executive by 2:00 PM, June 16, 2009. All bid information will be verified by TCCI and reference checks completed before award of bid. Discussion was held regarding the award of demolition bid package process. Mitchell stated it was normal protocol for the construction management service provider (TCCI) to make their recommendation to the Executive Committee and/or board their selection of best demolition bid package and Executive Committee or/the board would vote on the matter. In an effort to expedite the award of demolition contract it was discussed to allow the Executive Committee to accept or deny the CM'S recommendation. The other option was to hold a Special Call meeting to vote. A motion was made to approve and authorize the Executive Committee to review the CM's recommendation of demolition service provider, authorize the Chairperson Foxworthy to sign any and all documents necessary to execute the demolition work package providing AOC approves of selection

method. Motion by Wood. Seconded by Lowe. Suit – No. Foxworthy, Flanery, and DeAtley – Yes. Motion carries.

Vance Mitchell asked board members to explain the request for additional parking area for the project. Discussion was held regarding the county jail property, the two adjacent properties and vacant pool hall lot owned by the City. The financial condition of the project's site acquisition budget, projected Contingency and AOC's requirements for parking areas was reviewed. Brock with RSA stated additional property purchases will affect the bond issue and that property purchase funds need to be allocated as soon as possible. Discussion was held regarding the options available for additional parking areas and TCCI will prepare cost analysis of the three options.

Judge Wood asked Mr. Suit to explain his view regarding the previous vote to not allow the Executive Committee to approve the CM's recommendation of demolition service provider. ~~Mr. Suit stated the Fleming County Project Development Board members vote to accept with quorum and it's our responsibility to vote as a board.~~ **Mr. Suit stated that the board had been meeting on this project since May 2007 and had voted as a board on the selection of the architect, the construction manager, bond counsel and the financial representative and since this is the first contract to be awarded from the construction funds toward the actual building of the new Judicial Center, the board as a whole should take the action to award the demolition contract so that the members would be informed about the bids and the parties bidding.** Discussion was held regarding holding a Special Call meeting on June 16, 2009 at 4:00 PM to open and review demolition bid packages and award the contract.

A motion was made to rescind the previous motion by Judge Stockton Wood which stated:

A motion was made to approve and authorize the Executive Committee to review the CM's recommendation of demolition service provider, authorize the Chairperson Foxworthy to sign any and all documents necessary to execute the demolition work package providing AOC approves of method. Motion by Wood. Seconded by Lowe. Suit – No. Foxworthy, Flanery, and DeAtley – Yes. Motion carries.

and to hold a Special Call meeting on Tuesday, June 16, 2009 at 4:00PM to review demolition bids for award. Board members may vote via teleconference. Motion by Wood. Seconded by Flanery. All in favor.

Discussion was held regarding the low to no interest income earnings on bond account due to payment of administrative fees. Mr. Brock stated RSA's priorities are safety of the principle, liquidity of assets and fixed rate of return for stability. Options of locally investing funds in money market fund or certificate of deposits were discussed. The concerns of finding a safe investment locally instead of outside financial institutions earning the revenue from administrative fees is a challenge for the project's financial advisors to bring options to the board for discussion. Due to short term of remaining bond issue, low interest rates on MMA and CD's and limited liquidity, Brock stated it may not be feasible at this time to reinvest the funds locally due to economic conditions and project's financial timeline. Brock stated there are products available which would entail bidding for competitive rates which would be required by KRS and all accounts must be no risk investments. RSA will prepare a study of safe investments and/or options.

The next regular meeting will be held on Tuesday, July 7, 2009 at 5:00 PM.

A motion was made to adjourn at 6:20 PM. Motion by Flanery. Seconded by Wood. All in favor.